

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENCORE SERVICES, LLC,
ZACHARY BROOKE ROBERTS,
MARTIN GASPER MAZZARA, and
RICHARD LEE BROOME

Defendant.

Case No. CR-16-19-GF-BMM

ORDER

Defendants moved the Court for a subpoena *duces tecum* to Rocky Boy Health Board and Dr. James Eastlick, Jr. on September 12, 2016. (Doc. 66.) The United States did not object to the requested subpoena, so long as the documents were provided *in camera*. (Doc. 78 at 2.) The Court granted the motion and

ordered Clerk of Court to issue a subpoena *duces tecum* to the Custodian of Records for Rocky Boy Health Board and Dr. James Eastlick, Jr. (Doc. 69 at 1.)

The subpoena required the Custodian of Records to produce authenticated copies of “any and all records and documents” from January 1, 2006 to current related to Dr. James Eastlick, Jr.’s treatment of six individuals who the United States alleges to be co-conspirators, but are third parties to this matter. *Id.* at 2; Doc. 27 at 5. The Order specified records and documents related to Dr. James Eastlick, Jr.’s counseling activities and the dispensing of either controlled substances or other prescribed medications to the third parties. (Doc. 69 at 2.)

Defendants specifically sought any documentation regarding potential substance abuse or severe mental disorders that could be “highly probative of credibility and may materially affect the accuracy of a witness’s testimony.” (Doc. 67 at 14.)

The Rocky Boy Health Board responded to the subpoena and provided documents to the Court on September 30, 2016, for *in camera* review. (Doc. 81.) The Court has carefully reviewed the documents. None of the documents indicate substance abuse or severe mental disorders that would be highly probative of credibility or may materially affect the accuracy of a witness’s testimony.

IT IS ORDERED that Defendants' request that the Court disclose the documents submitted in response to the subpoena after the *in camera* review is DENIED.

DATED this 6th day of October, 2016.



Brian Morris
United States District Court Judge